

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

<b>RALPH FIGGS, individually and on behalf of all others similarly situated</b>	§	
	§	<b>Docket No. 11-cv-00306</b>
<b>Plaintiff,</b>	§	<b>JURY TRIAL DEMANDED</b>
<b>vs.</b>	§	<b>COLLECTIVE ACTION</b>
<b>KIRBY CORPORATION AND KIRBY INLAND MARINE, LP</b>	§	<b>PURSUANT TO 29 U.S.C. § 216(b)</b>
	§	
<b>Defendants.</b>	§	

**AGREED MOTION FOR STAY OF PROCEEDINGS**

Plaintiff, Ralph Figgs, individually and on behalf of others similarly situated (hereinafter referred to as “Plaintiffs”), and Defendant, Kirby Corporation and Kirby Inland Marine, LP, jointly file this Agreed Motion for Stay of Proceedings and respectfully show as follows.

Plaintiffs allege that Defendant’s vessel tankermen are misclassified as exempt employees. On December 7, 2011, this case was certified as a conditional collective action (ECF. No. 26). Opt-in notices were mailed out twice and additional tankermen joined the lawsuit. The parties have exchanged documents and written discovery.

The parties are working cooperatively to complete the necessary steps to resolve this matter by adjudication or agreement. The parties are also mindful of the appeal pending before the Fifth Circuit in the *Blessey* case. Therefore, the parties request a temporary stay of these proceedings to permit them to focus on resolution without incurring additional transaction costs. The parties have agreed to mediation in this matter. Therefore, the parties respectfully request a stay in the proceedings until the Fifth Circuit issues a decision in the *Blessey* case.

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**ATTORNEYS FOR  
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INLAND MARINE, LP**

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that on the 7<sup>th</sup> day of May, 2013, I electronically filed the foregoing with the Clerk of Court using ECF system, which sent notification to all parties of record.

/s/ Michael A. Josephson